

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK**

In re:

VANMOOF B.V.,

Debtor in a Foreign Proceeding.

Chapter 15

Case No. 23-42965-jmm

**STIPULATION AND ORDER RESOLVING  
ROBERT MALLIN AND MELISSA ROSENFELD'S  
AMENDED LIMITED MOTION TO LIFT BANKRUPTCY STAY**

TO THE HONORABLE JIL MAZER-MARINO:

Johannes A.H. Padberg and Robin P.A. de Wit (the “**Foreign Representatives**”), the duly appointed trustees and foreign representatives in respect of the bankruptcy proceedings of VANMOOF B.V. and Robert Mallin and Melissa Rosenfield (the “**Movants**”) hereby stipulate and agree as follows, in resolution of the Amended Motion to Lift Bankruptcy Stay [ECF No. 24] (the “**Motion**”):

**RECITALS**

**WHEREAS**, before the Petition Date (as defined in the Motion), certain of the Movants were involved in an accident (the “**Accident**”), on account of which Movants commenced the lawsuit captioned *Mallin v. VANMOOF B.V. and VANMOOF USA, Inc.*, bearing Index No. 509006/2021 in the Supreme Court of New York, Kings County (the “**State Court Proceeding**”); and

**WHEREAS**, the Foreign Representatives have been informed that the Debtor and its subsidiary VanMoof USA, Inc. were at the time of the Accident insureds of the Meijers Insurance Policy (as defined in the Motion, bearing policy number 642582504), and the Travelers

Insurance Policy (as defined in the Motion, bearing policy number H-660-0R039839-COF-20) (together with the Meijers Insurance Policy, the “**Insurance Policies**”).

**NOW, THEREFORE**, the Foreign Representatives and the Movants hereby agree as follows, subject to Court approval:

**AGREEMENT**

1. Upon the approval of this Stipulation by the Bankruptcy Court, the automatic stay imposed by §362(a) of the Bankruptcy Code is hereby modified to permit Movants to resume the pending State Court Proceeding, *provided that*: (a) the insurance carriers have assumed full responsibility for defending the State Court Proceeding; and (b) Movants agree to waive their right to enforce any judgment obtained in the State Court Proceeding or any other proceedings concerning the Accident against the Debtor, except that Movants may enforce said judgment against the Insurance Policies’ proceeds, and the Movants may submit a proof of claim in the Dutch Bankruptcy Proceeding for any amount in excess of any available proceeds from the Insurance Policies.

2. Nothing in this Stipulation shall modify or amend any procedural rights of the parties in the State Court Proceeding except that the Foreign Representatives shall not be required to attend or participate in any deposition.

3. Nothing in this Stipulation, or the Order approving this Stipulation shall amend, modify or alter in any other way, the rights and obligations of the Debtor’s insurers under their Insurance Policies.

4. Upon Bankruptcy Court approval of this Stipulation, the Motion is deemed withdrawn.

Dated: March 6, 2024  
New York, New York

OFFIT KURMAN, P.A.

By: /s/ Alben Petrakov  
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BAKER HOSTETLER

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*Counsel for Robert Mallin and Melissa  
Rosenfield*

**This Stipulation is approved.**

**SO-ORDERED; (JMM)**

Dated: March 6, 2024  
Brooklyn, New York



  
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Jil Mazer-Marino  
United States Bankruptcy Judge